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SAN FRANCISCO, CA

A lesbian SRI International worker who says she was denied a CIA security clearance because of her homosexuality has been granted a federal court hearing in January to air her grievance.

Julie Dubbs, 39, a technical illustrator already given top secret clearance by the Defense Department, argued in her suit against the CIA that her constitutional rights were violated when the agency denied her a security clearance.

She has asked U.S. District Judge Eugene Lynch to declare unconstitutional the CIA policy of denying security clearances based solely on an applicant's sexual orientation.

Dubbs claimed the CIA policies violate her first amendment right to freedom of association and her fifth amendment rights to due process and equal protection.

The CIA asked that the case be dismissed, saying she has no constitutional rights at stake and the court lacks jurisdiction to rule.

Lynch rejected the CIA arguments Wednesday and set a hearing for Jan. 14. He stressed that granting a hearing did not represent a judgment on whether or not the alleged practices of the CIA were constitutional.

Dubbs, a five-year employee of the Menlo Park, Calif., research company, applied for the CIA clearance in 1980 and was refused 14 months later.